REMARKS

This is responsive to the Non-Final Office Action mailed January 8, 2008. With this Amendment, claims 1 and 3 are amended and claims 2 and 5 are cancelled. After entry of this Amendment, claims 1, 3, 4 and 6-15 will remain pending in the present application.

As an initial aspect in responding to this rejection, it is noted that independent claim 1 has been amended to incorporate the limitations previously found in claim 2.

Despite there being some similarities between Miyamoto et al. and the claimed invention, there are significant differences between Miyamoto et al. and the claimed invention. In particular, Miyamoto et al. facilitates building an electrical power plant by encouraging investment in the associated infrastructure by offering investors the ability to purchase electricity generated by the electrical power plant at a discount.

In contrast, the claimed invention involves an investment in an object. Through this investment, the value of another object of the investor increases in value. The increase in such value is not related to the investor receiving products or services that are generated from the object in which the investment is made.

Therefore, investors benefit in two significantly different manners when comparing Miyamoto et al. and the claimed invention. Miyamoto et al. provides the investors with a discount on the services generated from the equipment that are funded by the investment while the investors associated with the claimed invention benefit by appreciation of the value of assets other than the property in which the investment is made.

Miyamoto et al. does not teach or suggest why the construction of the electrical power plant would increase the value of other property owned by the investor. Accordingly, Miyamoto et al. does not anticipate independent claim 1.

Claim 2 was rejected based upon Miyamoto et al. in combination with Bowes. The Examiner contends that "Bowes teaches assessing the measure of an increase in property that is created by provision of the rail transit, which is a transportation infrastructure."

The last paragraph of Bowes specifies that empirical results indicate that in certain instances the value of property near rail stations increases in value and in certain instances the value of property near rail stations decreases in value. Bowes does not teach or suggest there being any payments made in exchange for the benefit resulting from the infrastructure or building initiative.

There is no support for the Examiner's contention that "One of ordinary skill in the art would have been motivated to modify the reference in order to calculate the amount of fund that will likely be collected to fund the infrastructure." Accordingly, it appears that the Examiner has impermissibly used the claimed invention as a road map to find unrelated prior art aspects.

Therefore, it is submitted that claim 1 is patentable over Miyamoto et al. when viewed alone or in combination with Bowes. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 3, 6 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyamoto et al. in view of Bowes and further in view of Official Notice. The Examiner takes

official notice that collecting payments as a percentage of the assessed increase in value, which is essentially the same as property tax, is old and well known in the art.

Property taxes are calculated based upon the current value of property. Property taxes are not calculated based upon the potential increase in value of property in anticipation of the occurrence of an activity in the future, such as an infrastructure or building initiative.

Accordingly, in addition to the reasons set forth above, it is further submitted that the Official Notice cited by the Examiner does not establish a prima facie case of obviousness. Reconsideration and withdrawal of the rejection of claims 3, 6 and 14 are respectfully requested.

Claims 7, 8 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyamoto et al. in view of Official Notice. The Examiner takes official notice that "taking any two numbers can be percentage of each other is old and well known in the art."

For the reasons set forth above with respect to claim the Examiner does not establish a prima facie case of obviousness. Reconsideration and withdrawal of the rejection of claims 3, 6 and 14 are respectfully requested.

Claims 9 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyamoto et al. in view of Killick. Killick is cited for applying for or granting planning permission to build or re-build property in a property up-lift area. Killick does not teach or suggest, when viewed alone or in combination with the other references cited by the Examiner, a method having each of the claimed limitations.

For the reasons set forth above with respect to claim 1, the Examiner does not establish a prima facie case of obviousness. Reconsideration and withdrawal of the rejection of claims 9 and 10 are respectfully requested.

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyamoto et al. in view of Alberge. Alberge is cited for collecting payments after planning permission is granted to a property developer and the initiative is committed. Alberge does not teach or suggest, when viewed alone or in combination with the other references cited by the Examiner, a method having each of the claimed limitations.

For the reasons set forth above with respect to claim 9, the Examiner does not establish a prima facie case of obviousness. Reconsideration and withdrawal of the rejection of claims 9 and 10 are respectfully requested.

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1, 3, 4 and 6-15 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1, 3, 4 and 6-15 are respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 50-0471.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to Michael A. Bondi at Telephone No. (612) 767-2512, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

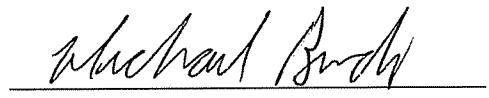
Dicke, Billig & Czaja, PLLC
Fifth Street Towers, Suite 2250
100 South Fifth Street
Minneapolis, MN 55402

Respectfully submitted,

John McGregor et al.,

By their attorneys,

Date: 4/1/08



Michael A. Bondi
Reg. No. 39,616